



State of Utah

Department of
Environmental
Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF SOLID &
HAZARDOUS WASTE
Dennis R. Downs
Director

OLENE S. WALKER
Governor

GAYLE F. McKEACHNIE
Lieutenant Governor

November 5, 2004

Rick York
Moab Salt, LLC
P.O. Box 1208
Moab, Utah 84532

Subject: Moab Salt Class III Permit

Dear Mr. York:

Enclosed is the Permit to construct and operate the Moab Salt Class III Landfill located on the Mine site for Moab Salt facility in Grand County. The Permit expires on the date shown on the cover sheet. If renewal is desired, Intrepid Mining, LLC and Moab Salt must apply for the renewal of the Permit 180 days prior to the expiration date.

A public comment period on the permit application and the draft permit began on September 30, 2004 and ended October 29, 2004. No comments were received.

After the Class III Landfill is in operation, periodic inspections will be conducted. Personnel from the Division of Solid and Hazardous Waste and/or the Southeastern Utah District Health Department will inspect the facility to assess compliance with the conditions of the Permit and the requirements of the applicable Solid Waste Rules.

If you have any questions, please contact Ralph Bohn at 801/538-6794 or by email at rbohn@utah.gov.

Sincerely,

ORIGINAL DOCUMENT SIGNED BY DENNIS R. DOWNS ON 11/05/04

Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board

DRD/RTB/ts

Enclosures: [Permit](#)

c: David Cunningham, B.S.N., R.N., Health Officer/Director, Southeast Utah District Health Dept.
David Ariotti, DEQ Southeastern District Engineer

file: Moab Salt Class III

**UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD
SOLID WASTE PERMIT**

CLASS IIIb LANDFILL

Pursuant to the provisions of the *Utah Solid and Hazardous Waste Act*, Title 19, Chapter 6, Utah Code Annotated (UCA) 1953, as amended (the Act) and the *Utah Solid Waste Permitting and Management Rules*, Utah Administrative Code (UAC) R315-301 through 320 adopted there under,

Intrepid Mining, LLC as owner, and

Moab Salt, LLC as operator

are hereby authorized to construct and operate the Moab Salt Class IIIb landfill located in SE 1/4 of the NW 1/4 of Section 25, Township 26 South, Range 20 East, Salt Lake Base and Meridian, Grand County, Utah as shown in the permit application that was determined complete on August 31, 2004.

The operation of the landfill is subject to the condition that Intrepid Mining, LLC and Moab Salt, LLC (Permittees) meet the requirements set forth herein.

All references to UAC R315-301 through 320 are to regulations that are in effect on the date that this permit becomes effective.

Effective date: November 15, 2004.

Expiration date: November 14, 2009.

Signed this _____ day of _____, 2004.

ORIGINAL DOCUMENT SIGNED BY DENNIS R. DOWNS ON 11/05/04

Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board

PERMIT REQUIREMENTS

LANDFILL NAME: Moab Salt Class IIIb Landfill

OWNER NAME: Intrepid Mining, LLC

OWNER ADDRESS: 700 17th Street, Suite 1700
Denver, Colorado 80202

OWNER PHONE NO.: (303)296-3006

OPERATOR NAME: Moab Salt, LLC

OPERATOR ADDRESS: P.O. Box 1208
Moab, Utah 84532

OPERATOR PHONE NO.: (435)259-7171

TYPE OF PERMIT: Class IIIb Noncommercial Solid Waste Landfill

PERMIT NUMBER: 0401

LOCATION: Landfill site is located in Township 26 South, Range 20 East,
Section 25, SLBM; Grand County, Lat. 38° 30' 53", Long. 109° 39'
50"

Permit as used in this document is defined in UAC R315-301-2(55).

The application, as deemed complete on August 31, 2004 is hereby approved and is incorporated by reference into this Solid Waste Permit. All representations made in the permit application are part of this permit and are enforceable under UAC 315-301-5(2). The permit application will become part of the operating record of the Landfill. Where differences in wording exist between this permit and the application, the wording of The Permit supersedes that of the application.

The facility as described in this permit and the permit application consists of one disposal cell that will be used to dispose of waste as described in the "Acceptable Waste" (section IE of this permit) section below.

By this permit to operate, the Permittees shall be subject to the following conditions.

I. GENERAL COMPLIANCE RESPONSIBILITIES

A. General Operation

The Permittees shall operate the Class IIb landfill in accordance with the conditions of this Permit and with all requirements of UAC R315-304, that are in effect as of the date of this permit unless otherwise noted in this permit. Any permit noncompliance constitutes a violation of UAC R315-304 and is grounds for appropriate enforcement action, permit revocation, modification, or denial of a permit renewal application.

B. Noncompliance

If monitoring, inspection, or testing indicates that any permit condition or any applicable rule under UAC R315-301 through 320 may be or is being violated, the Permittees shall promptly make corrections to the operation or other activities to bring the facility into compliance with all permit conditions or rules. In the event of any noncompliance with any permit condition or violation of an applicable rule, the Permittees shall promptly take any feasible action reasonably necessary to correct the noncompliance or violation and mitigate any risk to the human health or the environment. Actions may include eliminating the activity causing the noncompliance or violation and containment of any waste or contamination using barriers or access restrictions, placing of warning signs, or permanently closing areas of the facility. The Permittees shall: document the noncompliance or violation in the operating record, on the day the event occurred or the day it was discovered; notify the Executive Secretary of the Solid and Hazardous Waste Control Board within 24 hours, or the next business day following documentation of the event; and give written notice of the noncompliance or violation and measures taken to protect public health and the environment within seven days of Executive Secretary notification. Within thirty days of the documentation of the event, the Permittees shall submit, to the Executive Secretary, a written report describing the nature and extent of the noncompliance or violation and the remedial measures taken or to be taken to protect human health and the environment and to eliminate the noncompliance or violation. Upon receipt and review of the assessment report, the Executive Secretary may order the Permittees to perform appropriate remedial measures including development of a site remediation plan for approval by the Executive Secretary.

It shall not constitute a defense for the Permittees in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

Compliance with the terms of this permit does not constitute a defense to actions brought under any other local, State, or Federal laws. This permit does not exempt the Permittees from obtaining any other local, State or Federal permits, or approvals.

The issuance of this Permit does not convey any property rights, other than the rights inherent in this permit, in either real or personal property, or any exclusive

privileges nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations including zoning ordinances.

The provisions of this Permit are severable. If any provision of this Permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this Permit to any circumstance is held invalid, its application to other circumstances shall not be affected.

C. Inspection and Inspection Access

The Permittees shall allow the Executive Secretary of the Utah Solid and Hazardous Waste Control Board or an authorized representative of the Board, including representatives from the Southeastern Utah District Health Department, to enter at reasonable times and:

1. Inspect the landfill or other premises, practices or operations regulated or required under the terms and conditions of this Permit or UAC R315-301 through 320;
2. Have access to and copy any records required to be kept under the terms and conditions of the Permit or UAC R315-301 through 320;
3. Inspect any loads of waste, treatment, pollution management, or control facilities required under the Permit or regulated under UAC R315-301 through 320; and
4. Create a record of any inspection by photographic, videotape, electronic, or any other reasonable means.

D. Prohibited Waste

No hazardous waste as defined by UAC R315-1 and R315-2; no PCB's as defined by UAC R315-301-2(53), except PCB's specified by UAC R315-315-7(2)(a) and (c); no household waste; no municipal waste; special waste, except as specified in this permit; or commercial waste shall be accepted for treatment, storage, or disposal at the landfill.

E. Acceptable Waste

This permit is for disposal of nonhazardous industrial waste, as defined in UAC R315-301-2(35), generated by the operations of the Moab Salt, LLC facility and as described on page 8 of the permit application.

F. Revocation

This permit is subject to revocation if any condition of this permit is not being met. The Permittees will be notified in writing prior to any proposed revocation action and such action will be subject to all applicable hearing procedures established under UAC R315-12 and the *Utah Administrative Procedures Act*.

Revocation of this permit does not revoke the financial assurance established for closure and post-closure care of the facility, nor remove any responsibility on the part of the permittees for completion of closure and post-closure care for the facility required in UAC R315-302-3.

G. Attachment Incorporation

Attachments incorporated by reference are enforceable conditions of this permit, as are documents incorporated by reference into the attachments. Language in this permit supercedes any conflicting language in the attachments or documents incorporated into the attachments.

II. DESIGN AND CONSTRUCTION

A. Construction

1. The landfill shall be constructed in the area designated and according to the design outlined in the permit application including the landfill cell and berms prior to acceptance of waste.
2. The Permittees shall notify the Executive Secretary upon completion of construction of the landfill cell and berms. The landfill cell may not be used until construction is approved by the Executive Secretary.
3. The Permittees shall notify the Executive Secretary of the completion of construction of the final cover system and shall provide all necessary documentation and shall apply for approval of the construction from the Executive Secretary.

B. Run-On Control

The perimeter berms shall be constructed as specified in the permit application. These channels shall be maintained at all times to effectively prevent run-off from the surrounding property from entering the landfill.

III. LANDFILL OPERATION

A. Operations Plan

The operations plan included in the permit application shall be kept at the plant office of Moab Salt, LLC. The landfill shall be operated in accordance with the operations plan as included in the permit application. If necessary, the facility owner may modify the Operations Plan, provided that the modification meets all of the requirements of UAC R315-301 through 320 and is as protective of human health and the environment as that approved in the permit application. Any modification to the Operations Plan shall be noted in the operating record.

B. Security

The Permittees shall operate the Landfill so that unauthorized entry to the facility is prevented. All facility gates and other access routes to the landfill shall be maintained to prevent unauthorized access.

C. Waste Inspections

The Permittees shall visually inspect incoming waste loads to verify that no wastes other than those allowed by this permit are disposed in the landfill.

D. Cover

The Permittees shall cover the waste as necessary to prevent fires and to control vectors, blowing litter, odor, scavenging, and fugitive dust. Wastes that are capable of attracting or providing food for vectors, materials that may become windblown litter, or fine materials that may become fugitive dust shall be covered with a minimum of six inches of earth at the end of the working day in which they are received. A minimum of six inches of earthen cover shall be provided no less than once each month for all other wastes received at the landfill. At the end of each day of operation, when cover is placed, the amount of cover placed and the area receiving cover shall be recorded in the operating record and certified by the operator. Material containing asbestos shall be covered by the end of the day when the waste is placed in the landfill.

E. Disposal of Liquids

Disposal of containers larger than household size (five gallons) holding any liquid, noncontainerized material containing free liquids or any waste containing free liquids in containers larger than five gallons is prohibited.

F. Roads

All roads used for transporting waste to the landfill for disposal shall be improved and maintained as necessary to assure safe and reliable all-weather access to the disposal area.

G. Burning of Waste

Intentional burning of solid waste is prohibited and is a violation of UAC R315-303-5(2)(b). All accidental fires shall be extinguished as soon as possible.

H. Record Keeping

The Permittees shall maintain and keep on file at the plant office of Moab Salt, LLC, an operating record as required by UAC R315-302-2(3). The landfill operator, or other designated personnel, shall date and sign the operating record at the end of each operating day. Each record to be kept shall contain the signature of the appropriate operator or personnel and the date signed. The operating record shall include the following items:

1. The daily operating record shall include the following items:
 - a. The Landfill Waste Log; as found in Attachment C, Section #1 of the permit application and recorded at the end of each operating day;
 - b. Major deviations from the approved plan of operation recorded at the end of the operating day the deviation occurred;
 - c. Results of other monitoring required by this permit recorded in the operating record on the day of the event or the day the information is received;
 - d. Records of all inspections conducted by the Permittees (Recorded on the "Landfill Inspection Form" found in Attachment C, Section #2 of the permit application), results of the inspections, and corrective actions taken shall be recorded in the record on the day of the event;
2. The general record of landfill operations shall include the following items:
 - a. A copy of The Permit including the permit application;
 - b. Results of inspections conducted by representatives of the Utah Solid and Hazardous Waste Control Board and/or representatives of the Southeastern Utah District Health Department, when forwarded to the Permittees;
 - c. Closure and Post-closure care plans; and
 - d. Records of employee training.

I. Reporting

The Permittees shall prepare and submit, to the Executive Secretary, an Annual Report as required in UAC R315-302-2(4). The Annual Report shall include: the period covered by the report, the annual quantity of waste received, an annual update of the financial assurance mechanism, a re-application for approval of the financial assurance mechanism if the test found in R315-309-9 is used, and all training programs completed.

J. Self Inspections

The Permittees shall inspect the facility to prevent malfunctions and deterioration, operator errors, and discharges that may cause or lead to the release of wastes or contaminated materials to the environment or create a threat to human health. These general inspections shall be completed no less than quarterly and shall cover the following areas: Waste placement, compaction, and cover; run-on/run-off controls; litter controls; and records. A record of the inspections shall be placed in the daily operating record on the day of the inspection. The inspection shall be recorded on the "Landfill Inspection Form" found in Attachment C, Section #2 of the permit application. Areas needing correction, as noted on the inspection report, shall be corrected and the actions taken placed in the daily operating record.

K. Disposal of Special Wastes

Asbestos waste shall be handled and disposed in accordance with UAC-315-315-2 and the procedures outlined in the permit application for the disposal of asbestos containing waste found on page 10 of the application. Asbestos containing waste may not be compacted until it has been covered with at least six inches of non-asbestos containing waste

IV. CLOSURE REQUIREMENTS

A. Closure

The Permittees shall close and maintain the facility in accordance with the closure and post-closure plans included in the permit application and as required by R315-305-5(5) UAC.

B. Title Recording

The Permittees shall also meet the requirements of UAC R315-302-2(6) by recording with the grand County Recorder as part of the record of title that the property has been used as a landfill and contains asbestos.

C. Post-Closure Care

Post-closure care at the closed landfill shall be done in accordance with the Post-Closure Care Plan contained in the permit application. Post-closure care shall continue until all waste disposal sites at the landfill have stabilized and the finding of UAC R315-302-3(7)(c) is made.

D. Financial Assurance

A financial assurance mechanism covering closure and post-closure care costs shall be proposed by the Permittees and approved by the Executive Secretary. The Permittees, prior to receipt of waste, shall establish the approved mechanism. An annual revision of closure costs and financial assurance funding shall be submitted to the Executive Secretary as part of the annual report. The financial assurance fund shall be adequately funded to provide for the cost of closure at any stage or phase or anytime during the life of the landfill, and must be fully funded within five years of the date waste is first received at the landfill. If a trust fund is chosen as the financial assurance method the first payment to the fund will be 20% of the estimated closure and post-closure care costs. If a trust fund is used, annual payments shall be determined by the following formula:

$$NP=[CE-CV]/Y$$

where NP is the next payment, CE is the current cost estimate for closure and post-closure care (updated for inflation or other changes), CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

The Permittees shall notify the Executive Secretary of the establishment of the approved financial assurance mechanism and must receive acknowledgment from the Executive Secretary that the established mechanism complies with the approved method.

D. Financial Assurance Annual Update

An annual revision of closure costs and financial assurance funding as, required by R315-309-2(2), shall be submitted to the Executive Secretary as part of the annual report. If the Permittees choose to provide financial assurance using the "Corporate Financial Test" or "Corporate Guarantee" (R315-309-9), the Permittees shall submit the information as required in R315-309-9 each and must meet the qualifications for the "Corporate Financial Test" or "Corporate Guarantee" each year.

V. ADMINISTRATIVE REQUIREMENTS

A. Transfers

This permit may be transferred to a new permittee or new permittees by meeting the requirements of the Permit Transfer provision in UAC R315-310-10.

B. Permit Modifications

Modifications to this permit may be made upon application by the Permittees or by the Executive Secretary. The Permittees will be given written notice of any permit modification initiated by the Executive Secretary.

C. Expiration

Application for permit renewal shall be made at least six months prior to the expiration date, as shown on the signature (cover) page of this permit. If a timely renewal application is made and the permit renewal is not complete by the expiration date, this permit will continue in force until renewal is completed or denied.

D. Expansion

This permit is for the operation of a Class IIIb Landfill according to the design and Operation Plan described and explained in the permit application. Any expansion of the current footprint designated in the description contained in the permit application, but within the property boundaries designated in the permit application, will require submittal of plans and specifications to the Executive Secretary. The plans and specifications must be approved by the Executive Secretary prior to construction.

Any expansion of the landfill facility beyond the property boundaries designated in the description contained in the permit application will require submittal of a new permit application in accordance with the requirements of UAC R315-310.

Any addition to the list of acceptable waste in Section IE will require submittal of all necessary information to the Executive Secretary and the approval of the Executive Secretary.

E. Status Notification

Eighteen months from the date of this permit the Executive Secretary shall be notified in writing of the status of the construction of this facility unless construction is complete and operation has commenced. If construction has not begun within 18 months the Permittees will submit adequate justification to the Executive Secretary as to the reasons that construction has not commenced. If no submission is made or the submission is judged inadequate by the Executive Secretary, this permit will be revoked

F. Construction Approval and Request to Operate

The Permittees shall meet each of the following conditions prior to receipt of waste:

1. The Permittees shall notify the Executive Secretary, prior to acceptance of waste, that all the requirements of this permit have been met and all required facilities, structures, and accounts are in place as required.
2. The Permittees shall submit to the Executive Secretary documentation that all local zoning requirements and local government approvals have been obtained for operation of this landfill.
3. The Permittees shall obtain from the Executive Secretary written approval, prior to receipt of waste, that all information required by this section has been submitted and the information meets the requirements of this permit and R315-301 through 320.